

**CalTrout
Bay Institute
Pacific Institute
Friends of the River
Public Trust Alliance
Mono Lake Committee
Environmental Defense
Natural Heritage Institute
Community Water Rights Project
Pacific Coast Federation of Fishermen's Associations**

July 18, 2002

Mr. Kamyar Guivetchi, Chief
Statewide Planning Branch
California Department of Water Resources
PO Box 942836
Sacramento CA 94236-0001

Subject: Proposed "Demand Levels" for evaluation in the 2003 the California Water Plan

Dear Kamyar:

These comments reflect the views of our organizations on the "Demand Level" material that has been presented to the Public Advisory Committee for the State Water Plan. Of course, each of our organizations reserves the right to comment separately on these issues as well. The 2003 State Water Plan should be a historic document and we look forward to continuing to work constructively with both staff and the other members of the Public Advisory Committee.

Environmental Demand

At present, the State Water Plan intends to address four levels of "demand": "Low Demand", "Low Intermediate Demand", "High Intermediate Demand", and "High Demand". For the lower two levels, environmental demands, for both land-based uses and flow-based uses, are listed as "current water dedication". At these levels, under this assumption, it is likely that modeling will show that environmental demands are being met. On the other hand, at these two levels of demand, it is likely that water deliveries to some districts will not meet some delivery objectives, such as contract entitlements. As a result, a reader of Bulletin 160-03 might be led to believe that the environment is getting all its water but that the urban and agriculture sectors are not.

Yet, while the Bulletin would show that the environment would be getting all its water, many currently identified objectives, including federal and State legal mandates to double salmon would not be met. At a minimum, the two "intermediate" levels of demand ought

to include these objectives, and the "high" level of environmental demand ought to reflect additional ambitious targets. Specifically, at a minimum, these levels ought to include the following increments of demand:

Current Trends: Low

- A level of protection in the Bay-Delta that is equivalent to that specified by the CALFED ROD, and required for long-term Endangered Species Act assurances. This includes a viable Environmental Water Account, the Interior decision for CVPIA B2 water that allows crediting within metrics (i.e. pre offset-reset ruling) and a fully functional Tier 3.
- The 100 TAF of Ecosystem Restoration Program purchases identified in the CALFED ROD for Stage One implementation to be used to meet the flow objectives outlined in the CALFED Final EIR/EIS (July 2000)
- Trinity River flows consistent with the Trinity River ROD (Fall 2000)
- San Joaquin flows consistent with a "low" estimate of flows needed to comply with the federal court order to restore the salmon fishery below Friant Dam.
- Klamath River flows consistent with "low" estimate of flows needed to comply with ESA requirements
- All Level 4 Refuge Supplies

Current Trends: High (in addition to those items listed above)

- Two thirds of all additional water needed to meet the objectives of the CALFED ERP.
- One half of all additional water required to meet the flow objectives in the AFRP.
- San Joaquin flows consistent with "high" estimate of flows needed to comply with federal court order to restore salmon fishery below Friant Dam
- San Joaquin River flows at Vernalis consistent with levels specified in the 1995 Water Quality Control Plan
- Klamath River flows consistent with "high" estimate of flows needed to comply with ESA requirements

High Environmental Protection (in addition to those items listed above)

- All additional water needed to meet the objectives of CALFED's ERP.
- All additional water required to meet the flow objectives in the AFRP.
- Water needed to restore the Hetch Hetchy Valley in Yosemite National Park (while the Tuolumne River would take care of itself if the O'Shaughnessy Dam were removed, replacement storage and conveyance would be necessary to deliver water to users in the San Francisco Bay Area).

Urban and Agricultural Demand

It is not clear how the various demand curves will treat subsidies. Notably, CVP contractors have paid for only 5% of capital costs to date, but they are obligated to pay

Mr. Kamyar Guivetchi

Joint Comments on "Demand levels" for California Water Plan

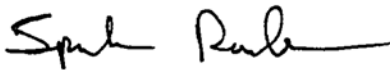
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for all of it over the next couple of decades. All but the highest level of demand should include full repayment in accordance with the law, and the lower three levels should include appropriately varying degrees of assumptions for payment schedules and interest. Similar provisions should apply to other water projects that are not fully paid for. (Alternatively, this issue might be addressed as a "response".)

Thank you for your consideration of these views.

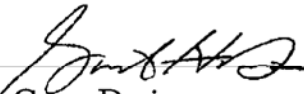
Sincerely,



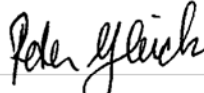
Spreck Rosekrans
Environmental Defense



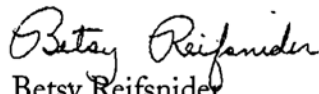
Nick Di Croce
CalTrout



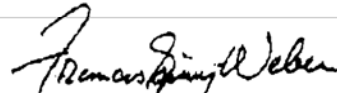
Grant Davis
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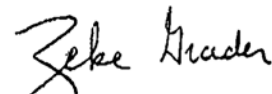
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cc: Bulletin 160 Advisory Committee and DWR Staff